

## **REMARKS**

Applicant appreciates the communications from the Patent Office that have endeavored to advance the prosecution of the present application. In light of the Advisory Action which indicated that the Amendment After Final would not be entered, Applicant files the present amendments relative to the claims as they existed before April 1, 2003.

Applicant has clarified the claim language from that proposed in the Amendment After Final to clarify the nature of the association between the cash transaction and the wireless communication device.

The present invention is directed to a fuel dispensing system that links the identification indicia of the remote communications unit with customer information during a contemporaneous fueling transaction. The customer information may be stored in the remote communications unit, a remote host, or in the control system. Further, the precise nature of the customer information may vary from embodiment to embodiment. The customer information may be a loyalty benefit, an amount of change, or the like.

To address the rejection of April 1, 2003, Applicant repeats its arguments presented in the Amendment After Final so that they may be entered and made of record.

### **§ 102(b)**

Claims 10-14 and 26-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gunnarsson. Applicant respectfully traverses. For the Patent Office to formulate a proper anticipation rejection, the reference must show all of the claim elements arranged as claimed. MPEP § 2131.

As amended, the claims recite that the cash transaction indication is related to the fueling transaction. Gunnarsson's only cash transaction is when the transponder is recharged. Further, the claims of the present application, as amended, recite that the control system associates the customer information with the identification indicia. In this manner, the control system can track and reward cash customers. In contrast, the prior art systems may show a wireless transponder system and a cash acceptor operating in parallel, but none of the prior art shows the wireless system being used to track cash customers. To this extent, the reference does not show all of the claim elements arranged as claimed and the claims are not anticipated. Applicant requests withdrawal of the anticipation rejection at this time.

§ 103

Claims 4, 10-14, 26-28, 39, and 44-46 were rejected under 35 U.S.C. § 103 as being unpatentable over Gunnarsson in view of Ramsey. Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every claim element is located. MPEP § 2143.03.

As amended, the claims of the present application recite that the customer identification is linked to the identification indicia and that the cash transaction is based on the fueling transaction. As explained above, the references do not link the cash transaction to the remote communications unit, nor do they link the customer information to the information indicia as a function of a cash based fueling transaction. Gunnarsson was specifically discussed above. Applicant has also studied Ramsey and finds nothing therein that cures the deficiencies of Gunnarsson in this regard. Since neither reference individually teaches or suggests the amended claim elements, the combination of references cannot teach or suggest the claim elements. Since the combination of references does not teach or suggest all the claim elements, the Patent Office has not established *prima facie* obviousness and the claims are patentable over the rejection of record.

**Conclusion**

Applicant requests withdrawal of the rejections in light of the amendments presented herein and claim allowance at the Examiner's earliest convenience.

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Respectfully submitted,

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